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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasushi UCHIDA et al.

Group Art Unit: 1775

Application No.: 10/531,578

Examiner: T. SPEER

Filed: April 18, 2005

Docket No.: 123521

For: METHOD FOR MANUFACTURING POROUS HONEYCOMB STRUCTURE, AND
HONEYCOMB FORMED BODY

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 23, 2007 Lack of Unity of Invention (Restriction) Requirement,
Applicants provisionally elect Group I, claims 9-12, with traverse.

Applicants respectfully assert that the Lack of Unity of Invention (Restriction) Requirement is improper under the rules of practice in PCT national phase applications. In PCT national phase applications, the Patent Office may issue a Restriction-type Requirement if no unity of invention exists. In order to issue a Restriction Requirement, the Examiner must list the groups of claims corresponding to the inventions, and explain why the groups lack a unity of invention. That is, the Examiner must state why there is no "single general inventive concept."

See MPEP §1893.03(d). Therefore, a single application may include one invention, or more than one invention if the inventions are "linked as to form a single general inventive concept."

Id. (emphasis added). If multiple inventions are included in the application, they are deemed to be linked if there exists a "technical relationship among the inventions that involves at least one common or corresponding special technical feature." Id.

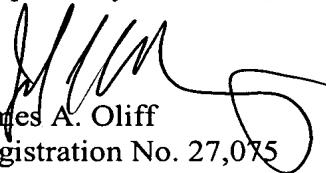
In the present application, the special technical feature which is common between the two groups of claims is the honeycomb formed body, which is structurally defined in claim 13 (Group II) and defined in the method claim 9 (elected Group I). This honeycomb formed body thus forms the product of Group II, and is included in the method of Group I. Under the PCT rules of practice, unity of invention exists because this special technical feature is common to both groups of claims, and therefore a Restriction Requirement is improper.

Further, this special technical feature is not lacking based only on the citation of four references in the Office Action. That is, the Patent Office must show that the special technical feature is disclosed in the prior art. That showing must be more than by the mere citation of four references, all noted as category "Y" in the International Search Report, without any explanation of how the references are relevant, and where there exists motivation to combine and/or modify the references' disclosures.

Because the Examiner has not properly demonstrated an absence of unity of invention under the rules, the Restriction Requirement is improper. Reconsideration and withdrawal of the Restriction Requirement are respectfully solicited.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,


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Date: April 16, 2007

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